



UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

ELTAYEB ALI ELDGAIL, Ali)

Case No. 8:20-MJ-007 (GLF)

Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 2, 2020, in Clinton County in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1325(a)(2)

Offense Description

Eluding examination or inspection, in violation of 8 U.S.C. § 1325(a)(2)

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Gregg De Feo, Border Patrol Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: January 6, 2020

Judge's signature

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

United States of America v. ELTAYEB ALI ELDGAIL, Ali

On January 2, 2020, at approximately, 8:50 p.m. Champlain Border Patrol Agents received a telephone call from New York State Police Station Commander Miner about a suspicious person at the Stewart's convenience store in Chazy, NY. NYSP Station Commander stated that a 'Good Samaritan' picked up the suspicious person and dropped him off at the Stewarts Convenience store. While in transit, the subject told the 'Good Samaritan' that he had crossed into the United States illegally from Canada. The 'Good Samaritan' called the New York State Police to report the incident. Border Patrol Agent (BPA) McElvene contacted Swanton Sector Radio (KAD 640) and advised them that he was responding from the Champlain Port of Entry.

Border Patrol Agent McElvene arrived at Stewart's convenience store, at approximately 8:58 p.m. BPA McElvene made contact with an adult male, wearing two winter jackets, a winter hat, and had several documents on the table with him. BPA McElvene identified himself as United States Border Patrol Agent. BPA McElvene asked the subject if he could ask him a few questions. The subject said "yes, I have been waiting for the police."

BPA McElvene conducted an immigration inspection. The subject identified himself by his Ontario, Canada driver's license as ELTAYED ALI ELDGAIL, Ali. Initial record checks revealed that a ELTAYED-ALI-ELDGAİL, Ali is a citizen of Sudan and is a visa overstay. ELTAYED-ALI ELDGAİL, Ali stated that he entered the United States illegally from Canada today and claimed that he walked 12 miles to the Stewarts convenience store in Chazy, NY. ELTAYED-ALI ELDGAİL stated that he does not have any immigration documents that would allow him to stay or remain in the United States. ELTAYED-ALI stated that he wanted immigration to find him.

ELTAYED ALI ELDGAİLS' biometrics were searched in Department of Homeland Security (DHS) databases and criminal databases. Records revealed that ELTAYED ALI ELDGAİL, Ali has no criminal history in Canada or the United States.

DHS records show ELTAYED ALI ELDGAİL is a citizen of Sudan and entered the United States on a tourist visa on May 29, 2016. In September 2016 ELTAYED ALI ELDGAİL applied for asylum and his case is still pending.

Canada Border Services Agency (CBSA) was contacted regarding the entry of ELTAYED ALI ELDGAİL, Ali into Canada. CBSA records show ELTAYED ALI ELDGAİL, Ali entered Canada illegally and filed for Refugee status in Lacolle, Quebec on April 24, 2017. CBSA also advised on December 10, 2019 ELTAYED ALI ELDGAİL, Ali was given official notification he was going to be removed from Canada.

ELTAYED ALI ELDGAİL, Ali was given his Miranda warning by Supervisory Border Patrol Agent (SBPA) Rascoe and Border Patrol agent (BPA) Turner. ELTAYED ALI ELDGAİL, Ali declined to answer questions without an attorney present. However, ELTAYED ALI ELDGAİL voluntarily opened his cell phone map and showed agents where he crossed the border. The area shown to agents is known as the 'knuckle'. Several hours later delayed remote sensor images were received and displayed a subject near the border at the 'knuckle'.

Citizens of Sudan are required to apply for a visa if they seek to enter the United States. Sudanese citizens who are issued a visa by the United States government are required to present the visa and the person's passport to an official at a Port of Entry as he or she seeks admission into the United States. ELTAYED ALI ELDGAİL does not possess a valid visa and records show that he has not applied for one. If ELTAYED ALI ELDGAİL had presented himself to a Port of Entry and asked permission to enter the United States, he would have been denied admission, as he does not possess a United States visa.